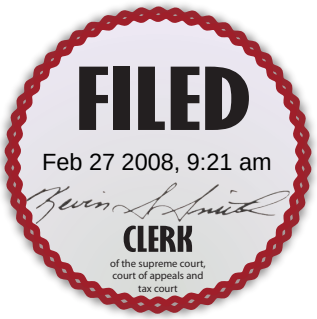

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IN THE
COURT OF APPEALS OF INDIANA

RODNEY WILLIAMSON,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 49A02-0706-CR-500
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Reuben Hill, Judge
The Honorable Stan Kroh, Magistrate
Cause No. 49F18-0507-FD-118011

February 27, 2008

MEMORANDUM DECISION – NOT FOR PUBLICATION

MATHIAS, Judge

Rodney Williamson ("Williamson") was convicted in Marion Superior Court of Class D felony theft and Class A misdemeanor resisting law enforcement.[1] Williamson appeals the Class D felony theft conviction and argues that the evidence was insufficient to establish that he committed Class D felony theft.

We affirm.

Facts and Procedural History

On July 10, 2005, Williamson and Phillip Collier ("Collier") entered a CVS store in Indianapolis. Collier got a bottle of orange juice and went to the cashier to pay for it while Williamson stood at the automatic exit door holding it open with his body. After Collier paid for the juice, he suddenly went behind the cashier's counter and grabbed several bottles of liquor and ran out the front door with Williamson. They got into a waiting car and drove off. Williamson then exited the car and was eventually arrested and taken back to the CVS store where the cashier identified him as the man with Collier.

On July 11, 2005, the State charged Williamson with Class D felony theft and Class A misdemeanor resisting law enforcement. A jury trial commenced on May 10, 2007, and Williamson was found guilty as charged. The trial court sentenced Williamson on May 18, 2007. Williamson appeals.

Discussion and Decision

When we review a claim of sufficiency of the evidence, we do not reweigh the evidence or judge the credibility of witnesses. Jones v. State, 783 N.E.2d 1132, 1139 (Ind. 2003). We look only to the probative evidence supporting the verdict and the

[1] Williamson is not appealing his Class A misdemeanor resisting law enforcement conviction.

reasonable inferences therein to determine whether a reasonable trier of fact could conclude the defendant was guilty beyond a reasonable doubt. Id. If there is substantial evidence of probative value to support the conviction, it will not be set aside. Id.

Williamson argues that the State failed to provide sufficient evidence to support his conviction for Class D felony theft. He contends that evidence was insufficient to establish that he aided, induced, or caused the theft when he stood in a doorway while Collier stole several bottles of liquor and ran from the store. Under Indiana law, "[a] A person who knowingly or intentionally exerts unauthorized control over property of another person, with intent to deprive the other person of any part of its value or use, commits theft, a Class D felony." Ind. Code § 35-43-4-2 (2004). "A person who knowingly or intentionally aids, induces, or causes another person to commit an offense commits that offense[.]" Ind. Code § 35-41-2-4 (2004).

Williamson was found guilty of theft because he aided Collier in Collier's theft of liquor. Under accomplice liability, there is no distinction between the principal and the accomplice regarding culpability. Wise v. State, 719 N.E.2d 1192, 1198 (Ind. 1999). However, to sustain a conviction using accomplice liability, the State must show affirmative conduct, either words or deeds, which could reasonably infer a common design or purpose. Boyd v. State, 766 N.E.2d 396 (Ind. Ct. App. 2002).

Williamson argues that he was merely waiting for Collier. Collier testified at trial that Williamson had nothing to do with the decision to steal the liquor. Contrary to Williamson's assertion, the evidence adduced at trial showed that he affirmatively acted in such a manner as to allow a reasonable inference of common design or purpose.

Williamson held open an automatic door at precisely the time Collier effected his getaway. This action facilitated the theft of the liquor. Also, Williamson left with Collier in the getaway vehicle. In short, there is sufficient evidence to support Williamson's Class D felony theft conviction. Williamson's argument is simply a request for this court to reweigh the evidence, which we will not do. Jones, 783 N.E.2d at 1139.

Affirmed.

FRIEDLANDER, J., and ROBB, J., concur.